

## SPSO decision report

**Case:** 201201680, Orkney Islands Council  
**Sector:** local government  
**Subject:** repairs and maintenance of housing stock (incl dampness and infestations)  
**Outcome:** upheld, action taken by body to remedy, no recommendations

### Summary

After moving into a council property, Mr A told the council that water was coming in at the front door and there was mould growing in the bathroom. The council arranged to paint the bathroom but the mould problems continued, and the front door leak was not repaired. Mr A submitted a formal complaint and also raised concerns about draughts and condensation in the bedrooms. He said that this had forced him to sleep in the lounge area and that the problems with dampness, mould and drafts had had an adverse impact on his health.

Mr A was re-housed within two days of submitting his complaint to the council and, in formally responding to the complaint, they acknowledged that they had not followed their normal process in dealing with the repairs. They apologised for the inconvenience, undertook to speak to staff to avoid similar future problems, and compensated Mr A for damaged possessions and mail items. Mr A was not satisfied with this and requested that his rent payments be refunded. The council did not consider this appropriate as, in their view, Mr A had also contributed to the problem by failing to adequately heat and ventilate the property.

Miss C, an advice worker, complained to us on behalf of Mr A that the council had failed to reasonably address the problems with the property and failed to acknowledge that the problems were there before Mr A's tenancy started. To support this, she provided a letter from a previous tenant who said that he had also told the council about problems of water coming in and mould growth. Our enquiries revealed that required repair work, identified before the departure of the previous tenant, was not carried out before Mr A started his tenancy. We also found that the council should have carried out an inspection between tenancies, but this was not done. We noted that the council had then been slow to respond to repair requests by Mr A and that the required repair to the front door was not carried out at all during his tenancy. We, therefore, upheld the complaint. However, we noted that the council had already acknowledged their failings and taken what we considered to be reasonable steps to address these, and we did not find it necessary to make any recommendations.